

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking To Revise
Commission General Order Numbers 95 and 128.

Rulemaking 01-10-001

**ADMINISTRATIVE LAW JUDGE'S RULING
SEEKING COMMENT ON GENERAL ORDER 95, SECTION VII**

Summary

This ruling orders transit districts subject to Division 10 of the Public Utilities Code to file and serve comments on Section VII of General Order (G.O.) 95 on or before July 15, 2003. Today's ruling seeks input on how the Commission should proceed with respect to G.O. 95 Section VII.

Background

On October 5, 2001, the Commission issued Order Initiating Rulemaking (OIR) 01-10-001 to strengthen G.O.s 95 and 128—two General Orders that are critical to the Commission's role of overseeing the safe operation of electric utilities' facilities. Workshops have been held with Commission staff and staff from the electric and telecommunication industries.

Discussion

On November 7, 2002, the Commission adopted Resolution ST-54, which approved the Consumer Protection and Safety Division's Audit Report of the Los Angeles County Metropolitan Transportation Authority (LACMTA). Recommendation 17 in Appendix D of the report states, "LACMTA should extend the insulators closer to the feed pole, away from the dynamic weight system, as required by G.O. 95, Rule 74.4F." In comments to the resolution,

LACMTA responded, “since G.O. 95, Rule 74.4F was written prior to dynamic weight tensioning being used and it does not provide for such a system, LACMTA will apply for a revision to G.O. 95 to include reasonable standards for such construction.”

Similarly, in Resolution ST-55 and ST-58 the Commission approved staff audit reports that found that the Santa Clara Valley Transportation Authority and the Sacramento Regional Transit District were not in compliance with G.O. 95, Rule 74.4F. With the continuing progress to construct new transit lines and upgrade existing transit lines, this issue will continue to be a topic of discussion.

While the original OIR did not propose rule changes to Section VII, this proceeding provides the appropriate vehicle to advance recommendations by staff and other parties. The Commission desires to revise the construction standards in G.O. 95 to incorporate modern construction techniques and materials. Ideally the revised construction standards would take into account the different safety risks in areas accessible to the public, protected rights-of-way, and yards.

Therefore, **IT IS RULED** that on or before July 15, 2003, transit districts subject to Division 10 of the Public Utilities Code and other interested parties are directed to submit comments on Section VII of General Order 95. Parties should specify in their filings the type of materials to be used (e.g. fiberglass rods vs. interlocking insulators) and the safety factors that should be required for each type of construction. Parties should provide safety data in support of their proposals.

In addition, if parties desire a workshop, they should request one in their comments.

Dated June 25 2003, at San Francisco, California.

/s/ CAROL BROWN
Carol Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Seeking Comment on General Order 95, Section VII on all parties of record in this proceeding or their attorneys of record.

Dated June 25 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

